

REMARKS

In the non-final Office Action, the Examiner makes the following rejections:

- claims 12 and 16 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by PACKHAM et al. (U.S. Patent Application Publication No. 2003/0055906);
- claims 1, 2, 6, 9, 13, and 17 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. in view of KARVE (U.S. Patent Application Publication No. 2002/0137530);
- claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. in view of KARVE, and further in view of GOPINATH et al. (U.S. Patent Application Publication No. 2004/0002350);
- claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. in view of KARVE, and further in view of DEHLIN (U.S. Patent Application Publication No. 2004/0203942);
- claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. in view of KARVE, and further in view of SABO et al. (U.S. Patent Application Publication No. 2003/0096626); and
- claims 7 and 10 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. in view of KARVE, and further in view of FOSTICK et al. (U.S. Patent Application Publication No. 2002/0187794).

Applicants respectfully traverse these rejections.

By way of the present amendment, Applicants amend claims 1, 9, 12, and 16 to improve form; and cancel claim 5 without prejudice or disclaimer. No new matter has been added by way of the present amendment. Claims 1-4, 6, 7, 9, 10, 12, 13, 16, and 17 are pending.

Rejection under 35 U.S.C. § 102(e) based on PACKHAM et al.

Claims 12 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention, and any feature not directly taught must be inherently present. (M.P.E.P. § 706.02). PACKHAM et al. does not disclose or suggest one or more of the features recited in claims 12 and 16, as amended.

As an initial observation, Applicants amend claims 12 and 16, herein, to include features substantially similar to features previously recited in claim 5 (canceled herein). The Examiner admits that disclosure in PACKHAM et al. (and the disclosure in KARVE) does not disclose or suggest the features in claim 5 and relies on the disclosure of SABO to allegedly cure the admitted deficiencies in the disclosures of PACKHAM et al. and KARVE (Office Action at page 15). For at least this reason and without acquiescing in this rejection, claims 12 and 16, as amended, are not anticipated under 35 U.S.C. § 102(e) by PACKHAM et al. Reconsideration and withdrawal of the rejection of claims 12 and 16 under 35 U.S.C. 102(e), based on PACKHAM et al., are, therefore, respectfully requested.

Moreover, claims 12 and 16 are allowable over PACKHAM et al. and SABO et al., taken alone or in any reasonable combination. For example, claim 12, as amended, recites an apparatus to provide short message service (SMS) messages to a user associated with a plurality of devices, comprising: means for storing information identifying a preferred device, of the plurality of devices and a specification of the preferred device; means for receiving a SMS message identifying one device of the plurality of devices; means for selecting the preferred device, instead of the identified one device, for receiving the SMS message in response to receiving the SMS message, the preferred device being different than the identified one device, where the preferred device is identified without sending the SMS message to the identified one

device; and means for sending the SMS message to the preferred device, the means for sending the SMS message comprising means for formatting, based on the specification of the preferred device, the SMS message in accordance with characteristics of the preferred device before sending the SMS message to the preferred device, where the means for sending the SMS message employs a pathway to the preferred device that does not include the identified one device, where means for formatting the SMS message include: means for determining, based on the characteristics, whether the preferred device is to receive the SMS message as a textual message or an audio message, and means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message. PACKHAM et al. and SABO et al. do not disclose or suggest one or more of these features.

For example, PACKHAM et al. and SABO et al. do not disclose or suggest means for sending the SMS message to the preferred device, the means for sending the SMS message comprising means for formatting, based on the specification of the preferred device, the SMS message in accordance with characteristics of the preferred device before sending the SMS message to the preferred device, where the means for sending the SMS message employs a pathway to the preferred device that does not include the identified one device, where means for formatting the SMS message include: means for determining, based on the characteristics, whether the preferred device is to receive the SMS message as a textual message or an audio message, and means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message.

With regard to claim 12, as previously presented, the Examiner alleges that means for sending the SMS message to the preferred device, the means for sending the SMS message

comprising means for formatting the SMS message in accordance with characteristics of the preferred device before sending the SMS message to the preferred device, where the means for sending the SMS message employs a pathway to the preferred device that does not include the identified one device, is disclosed in PACKHAM et al. at paragraphs 0019 and 0022 (Office Action at page 6). With respect to claim 5 (canceled herein), the Examiner admits that PACKHAM et al. does not disclose or suggest sending the formatted message as a voice message that the receiving party can access via the preferred device, but alleges that this feature is disclosed in SABO et al. at paragraph 0031 (Office Action at page 15). Without acquiescing in this rejection, Applicants submit that PACKHAM et al. and SABO et al. do not disclose or suggest the above feature of claim 12, as amended.

At paragraphs 0019-0022, PACKHAM et al. states:

As shown in FIG. 1, in a Universal Mobile Telecommunications System UMTS network, a short message service centre SMSC forwards a text message from a first user terminal 1 to a short message service Gateway mobile switching centre SMS/GMSC. The SMS/GMSC interrogates a home location register HLR for information such as location of the destination user terminal 2 and routing information thereto. By adding a function to the HLR, which identifies a text message and is capable of understanding forwarding information so as to give updated (i.e. rerouted) routing information the text message would then be sent via the mobile switching centre MSC to the correct user terminal 3, which in this example is a mobile handset. Thus the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3, using the routing information provided by the HLR.

Forwarding of text messaging from one mobile phone to another is thus provided. A function in the menu of the mobile handset is provided to allow the user to have text messages forwarded to another mobile handset and/or to a computer.

Where the user terminal 3 is a mobile handset, text message forwarding allows people that have two phones to receive all their text messages on one, which saves people with two handsets needing to carry them both about.

Where the user terminal 3 is a computer, being able to send a text message to a computer means that the user would be able to turn their mobile phone(s) off in areas where that is necessary (such as in testing environments or hospitals) and still be able to have access to their messages. It also allows people to read their text messages received via email, for example on a home computer, which would possibly cause less disruption to their working day.

This section of PACKHAM et al. discloses for example, a system where forwarding information is stored in a home location register (HLR) so that text messages received by a Short Message Service Gateway Mobile Switching Center (SMS/GMSC) for a user terminal 2 are forwarded to another user terminal 3. When the other user terminal 3 is a computer, the text message is sent via e-mail. Applicants submit, however, that this section of PACKHAM et al. does not disclose or suggest, in any way, means for determining, based on the characteristics (of the preferred device), whether the preferred device is to receive the SMS message as a textual message or an audio message, and means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message, as recited in claim 12. In particular, this section of PACKHAM et al. does not disclose or suggest, in any way, formatting the text message according to characteristics of the other user device 3, as would be required of PACKHAM et al. based on the Examiner's interpretation of claims 5 and 12. Rather, as described above, this section of PACKHAM et al. merely discloses that the text message is delivered, via e-mail, when the other user terminal 3 is a computer without any formatting of the message based on the characteristics of the other user device 3. Furthermore, as admitted by the Examiner in the Office Action at page 15, PACKHAM et al. does not disclose or suggest sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message, as recited in claim 12, as amended.

For at least these reasons, paragraphs 0019-0022 of PACKHAM et al. does not do not disclose or suggest means for sending the SMS message to the preferred device, the means for sending the SMS message comprising means for formatting, based on the specification of the preferred device, the SMS message in accordance with characteristics of the preferred device before sending the SMS message to the preferred device, where the means for sending the SMS message employs a pathway to the preferred device that does not include the identified one device, where means for formatting the SMS message include: means for determining, based on the characteristics, whether the preferred device is to receive the SMS message as a textual message or an audio message, and means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message, as recited in amended claim 12.

At paragraph 0031, SABO et al. states:

If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message. Alternatively or additionally, SMSC 18 translates the secure SMS message to a voice message, using a text-to-speech translator 24 comprised in the SMSC, and transmits text message 38 as a voice message 40. It will be appreciated that if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40.

This section of SABO et al. discloses, for example, that a short message service (SMS) message is translated into a voice message 40, using a text-to-speech translator 24, and when the destination 22 is a landline telephone, the SMS message is sent as the voice message 40.

Applicants submit, however, that this section of SABO et al. does not disclose or suggest, in any way, means for determining, based on the characteristics (of the preferred device), whether the

preferred device is to receive the SMS message as a textual message or an audio message, and means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message, as recited in claim 12. Instead, as described above, this section of SABO et al. relates to translating the SMS to the voice message 40 (regardless of the characteristics of destination 22) and then transmitting the voice message 40 when the destination 22 is a landline.

For at least these reasons, this section of SABO et al. does not do not disclose or suggest means for sending the SMS message to the preferred device, the means for sending the SMS message comprising means for formatting, based on the specification of the preferred device, the SMS message in accordance with characteristics of the preferred device before sending the SMS message to the preferred device, where the means for sending the SMS message employs a pathway to the preferred device that does not include the identified one device, where means for formatting the SMS message include: means for determining, based on the characteristics, whether the preferred device is to receive the SMS message as a textual message or an audio message, and means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message, as recited in amended claim 12.

For at least the foregoing reasons, claim 12 is patentable over PACKHAM et al. and SABO et al., taken alone or in any reasonable combination.

Claim 16, as amended, recites features similar to (yet potentially of different scope from) the above-identified features of claim 12. Claim 16 is, therefore, allowable over PACKHAM et al. and SABO et al., taken alone or in any reasonable combination, for at least reasons similar to the reasons presented above with respect to claim 12.

For at least these reasons, Applicants respectfully request the reconsideration and allowance of claim 12 and 16.

Rejection under 35 U.S.C. § 103(a) based on PACKHAM et al. and KARVE

Claims 1, 2, 6, 9, 13, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. in view of KARVE. Applicants respectfully traverse this rejection.

Independent claims 1 and 9, as amended, recite features similar to (yet potentially of different scope from) the above-identified features of claim 12. Applicants submit that the disclosure in KARVE does not cure the above-described deficiencies in the disclosure of PACKHAM et al. (and the disclosure of SABO et al.). For example, claims 1 and 9, as amended, recite features that are substantially similar to the features previously recited in claim 5, and the Examiner, in the Office Action at page 15, admits that KARVE does not disclose or suggest these features. Claims 1 and 9 are, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al. and KARVE (and over PACKHAM et al., KARVE, and SABO et al.), taken alone or in any reasonable combination, for at least reasons similar to the reasons presented above with respect to claim 12. Without acquiescing in this rejection, claims 2 and 6 depend from claim 1 and are, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al. and KARVE (and over PACKHAM et al., KARVE, and SABO et al.), taken alone or in any reasonable combination, for at least the reasons presented above with respect to claim 1.

Claims 13 and 17 depend, respectively, from claims 12 and 16. The disclosure in KARVE does not cure the above-described deficiencies in the disclosure of PACKHAM et al.

(and the disclosure of SABO et al.) with respect to the features of claim 12 and 16. Without acquiescing in this rejection, Applicants submit that claims 13 and 17 are, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al. and KARVE (and over PACKHAM et al., KARVE, and SABO et al.), taken alone or in any reasonable combination, for at least the reasons presented above with respect to claims 12 and 16.

For at least these reasons, Applicants respectfully request the reconsideration and allowance of claims 1, 2, 6, 9, 13, and 17 over PACKHAM et al. and KARVE (and over PACKHAM et al., KARVE, and SABO et al.), taken alone or in any reasonable combination.

Rejection under 35 U.S.C. § 103(a) based on PACKHAM et al., KARVE, and GOPINATH

Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. in view of KARVE, and further in view of GOPINATH et al. Applicants respectfully traverse this rejection.

Claim 3 depends from claim 1. Applicants submit that the disclosure in GOPINATH et al. does not cure the above-described deficiencies in the disclosures of PACKHAM et al. and KARVE (and the disclosure of SABO et al.) with respect to claim 1. Without acquiescing in this rejection, Applicants submit that claim 3 is, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al., KARVE, and GOPINATH et al. (and over PACKHAM et al., KARVE, SABO et al., and GOPINATH et al.), taken alone or in any reasonable combination, for at least the reasons presented above with respect to claim 1.

For at least these reasons, Applicants respectfully submit that claim 3 is allowable over PACKHAM et al., KARVE, and GOPINATH et al. (and over PACKHAM et al., KARVE, SABO et al., and GOPINATH et al.), taken alone or in any reasonable combination.

Rejection under 35 U.S.C. § 103(a) based on PACKHAM et al., KARVE, and DEHLIN

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. in view of KARVE, and further in view of DEHLIN. Applicants respectfully traverse this rejection.

Claim 4 depends from claim 1. Applicants submit that the disclosure in DEHLIN does not cure the above-described deficiencies in the disclosures of PACKHAM et al. and KARVE (and the disclosure of SABO et al.) with respect to claim 1. Without acquiescing in this rejection, Applicants submit that claim 4 is, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al., KARVE, and DEHLIN (and over PACKHAM et al., KARVE, SABO et al., and DEHLIN), taken alone or in any reasonable combination, for at least the reasons presented above with respect to claim 1.

For at least these reasons, Applicants respectfully submit that claim 4 is allowable over PACKHAM et al., KARVE, and DEHLIN (and over PACKHAM et al., KARVE, SABO et al., and DEHLIN), taken alone or in any reasonable combination.

Rejection under 35 U.S.C. § 103(a) based on PACKHAM et al., KARVE, and SABO et al.

Claim 5 (canceled herein) was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. in view of KARVE, and further in view of SABO et al.

Without acquiescing in this rejection, Applicants cancel claim 5 without prejudice or disclaimer, thereby rendering this rejection moot.

Rejection under 35 U.S.C. § 103(a) based on PACKHAM et al., KARVE, and FOSTICK et al.

Claims 7 and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. in view of KARVE, and further in view of FOSTICK et al. Applicants respectfully traverse this rejection.

Claim 7 depends from claim 1. Applicants submit that the disclosure in FOSTICK et al. does not cure the above-described deficiencies in the disclosures of PACKHAM et al. and KARVE (and the disclosure of SABO et al.) with respect to claim 1. Without acquiescing in this rejection, Applicants submit that claim 7 is, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al., KARVE, and FOSTICK et al. (and over PACKHAM et al., KARVE, SABO et al., and FOSTICK et al.), taken alone or in any reasonable combination, for at least the reasons presented above with respect to claim 1.

Claim 10 depends from claim 9. Applicants submit that the disclosure in FOSTICK et al. does not cure the above-described deficiencies in the disclosures of PACKHAM et al. and KARVE (and the disclosure of SABO et al.) with respect to claim 9. Without acquiescing in this rejection, Applicants submit that claim 10 is, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al., KARVE, and FOSTICK et al. (and over PACKHAM et al., KARVE, SABO et al., and FOSTICK et al.), taken alone or in any reasonable combination, for at least the reasons presented above with respect to claim 9.

For at least these reasons, Applicants respectfully submit that claims 7 and 10 are allowable over PACKHAM et al., KARVE, and FOSTICK et al. (and over PACKHAM et al., KARVE, SABO et al., and FOSTICK et al.), taken alone or in any reasonable combination.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of this application.

As Applicants' remarks with respect to the Examiner's assertions are sufficient to overcome the rejections in the Office Action, Applicants' silence as to the assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, assertions as to dependent claims, reasons to modify a reference and/or combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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